

today what we have to do. I told Senators what we have to do. I am tremendously disappointed that the tax extenders were not passed. I was just given a note by the chairman of the Environment and Public Works Committee about something that also is in this bill that would create lots of jobs, at least 150,000 high-paying jobs, and that is to replenish the money from the highway trust funds. Those moneys are not going to be there, which will cause people not only to not have jobs, but it will stop projects from going forward that are already in progress.

The schedule in August is up to the Republican leader. As I have said before on a number of occasions, we basically have finished what we have to do this work period. We have tried mightily during the last 18, 19 months to get things done. We have had to deal with about 90 filibusters. Whatever the number is, we increased it by one today. We will see what happens on the legislation dealing with higher education and see what is going to happen with the Republicans as it relates to the consumer product safety legislation. That may add two more filibusters. Of course, we have the Defense authorization bill to which we wish to proceed. We will have a vote on that on Friday. It is up to the minority to determine what we will do on that.

As I have indicated on a number of occasions, we have the conventions coming up in August, which is important to every Senator. We have other important items we have been working on that need to be done at home. We can't do them in Washington. But we await word from Republicans, if they are going to negotiate seriously on the tax extenders. Other than that, I have stated, I believe pretty clearly, where we are.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I wish to note that the energy tax extenders would have been law as of 7 a.m. this morning if they had not been taken out of the housing bill by the Democratic majority. We should be aware of the fact that one of the reasons why this issue remains is the strategy from the majority on the housing bill.

Mr. REID. Understand, though, that is the whole problem. They don't want to pay for anything. The bill that is before the Senate is paid for. What he is talking about is the flimflam where you pass all these things and don't pay for them. That is why we have a staggering deficit that during this administration has gone up more than \$3 trillion. When George Bush took office, over 10 years there was a surplus of about \$10 trillion. That is long since gone. I appreciate very much the statement of my friend from Arizona, but the fact is, that is what we are talking about here. They don't want to pay for anything. The tax extenders in our package are paid for, as they should be. The American people should not be burdened and leave a legacy looking

forward of their children, grandchildren, and great-grandchildren buried by Bush deficits.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I note that 88 Senators voted in favor of that approach dealing with this subject.

Mr. REID. I appreciate the statement of my friend from Arizona. I believe in these extenders so strongly that even though I would much rather have them paid for, we all know the debt has to stop someplace. As I indicated, the House of Representatives, to their credit, will not accept these not being paid for. That is the way it should be. We should not be running up massive deficits that the Bush administration—first year, second year, third year, fourth year, fifth year, seventh year, and now in the eighth year—is willing to accept. The war in Iraq, \$5,000 a second; it doesn't matter.

We are where we are, but I am very disappointed that we are where we are. As I said, my Senators are waiting to hear from the Republican leader what he wants to do the rest of this week and into the future.

#### JOBS, ENERGY, FAMILIES, AND DISASTER RELIEF ACT OF 2008— MOTION TO PROCEED

##### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 898, S. 3335, the Jobs, Energy, Families, and Disaster Relief Act of 2008.

Harry Reid, Max Baucus, Bernard Sanders, Christopher J. Dodd, Maria Cantwell, Benjamin L. Cardin, Daniel K. Inouye, Hillary Rodham Clinton, Patty Murray, Ron Wyden, Debbie Stabenow, Patrick J. Leahy, Dianne Feinstein, Richard Durbin, Robert Menendez, Sherrod Brown, Carl Levin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3335, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, shall be brought to a close.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Illinois (Mr. OBAMA), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from

Arizona (Mr. MCCAIN) and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 43, as follows:

[Rollcall Vote No. 192 Leg.]

##### YEAS—51

Akaka	Dole	Menendez
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Boxer	Harkin	Pryor
Brown	Inouye	Reed
Byrd	Johnson	Salazar
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Smith
Casey	Landrieu	Snowe
Clinton	Lautenberg	Stabenow
Coleman	Leahy	Tester
Collins	Levin	Webb
Conrad	Lieberman	Whitehouse
Dodd	Lincoln	Wyden

##### NAYS—43

Alexander	DeMint	McConnell
Allard	Domenici	Murkowski
Barrasso	Ensign	Reid
Bennett	Enzi	Roberts
Bond	Graham	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Specter
Burr	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Voinovich
Cornyn	Kyl	Warner
Craig	Lugar	
Crapo	Martinez	

##### NOT VOTING—6

Kennedy	McCaskill	Rockefeller
McCain	Obama	Wicker

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to the energy renewables package.

The PRESIDING OFFICER. The motion is entered.

#### FREE FLOW OF INFORMATION ACT OF 2007—MOTION TO PROCEED— Continued

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, it is my understanding until 12:30 the Democrats control the time; is that correct?

The PRESIDING OFFICER. There is no agreement in order.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be recognized for 5 minutes and Senator STABENOW be recognized for 20 minutes following me.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### ENERGY

Mr. DURBIN. Mr. President, this vote that was cast is something America should not miss. This was about an energy program for America, and it was defeated. It was defeated because only four Republicans—maybe five—managed to cross the aisle and help us.